

**APPROVED
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS**

Zoning Board of Appeals meeting held on Thursday, July 17, 2008 at the Mildred A. Wakeley Recreation and Community Center, in Room #2, at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Theresa Ranciato-Viele, Vice Chairman
Caren M. Genovese
Joseph Cappucci

MEMBERS ABSENT:

Donald Clark, Secretary
Robert E. Martin, Alternate
Mary Jane Mulligan, Alternate
Cheryl Juniewicz, Alternate

TOWN PERSONNEL:

Robert F. Burns, Engineering Office

OTHERS PRESENT:

Mary Lee Rydzewski, Public Stenographer
Angela Izzo, Clerk

AGENDA:

Mr. Hannon called the meeting to order at 7:40 PM. He introduced the members of the Board, the Town staff, the stenographer and clerk. Mr. Hannon explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur. A simple majority of three (3) to two (2) will not approve an application for an appeal or variance. Since there were only four members present, he asked all applicants if they would like to continue. Each applicant agreed to be heard.

Mrs. Ranciato-Viele read the call for the first agenda item.

1. #08-30 Application of Anthony E. Parent, Esq., Applicant, Luciani Realty Partnership, Owner, relative to 99 and 117 Washington Avenue, (Map 73, Lots 9 & 5), Appeal of a decision of the Zoning Enforcement Officer. CA-20/IL-30 Zoning Districts.

This application was postponed to the August 21, 2008, meeting.

Mrs. Ranciato-Viele read the call for the next agenda item.

2. #08-39 Application of Edible Arrangements International, Inc., Applicant, SKF North Haven LLC, Owner, relative to 101 Washington Avenue, (Map 73, Lot 7), per Section 8.8.7.2(3), requesting a sign area variance of 21 square feet to permit a 35 square foot sign where 14 square feet is permitted, and a sign front setback variance of 16' to permit 9' where 25' is required and a 10' side yard variance to permit 2' where 12' is required. CA-20 Zoning District.

Mr. Alexander presented the application. He presented Exhibits A – G.

Mr. Hannon asked for public comment.

Public comment: None.

Being no public comment; the public hearing was closed.

3. #08-40 Application of Marcellus A. Edwards, III, Owner and Applicant, relative to 33 Orient Lane, (Map 22, Lot 100), per Section 2.1.1.9, requesting a variance of 23' to permit a 27' front yard setback where 50' is required. R-20 Zoning District.

This application was postponed to the August 21, 2008 meeting.

4. #08-41 Application of Vincent Cervoni, Applicant, Louis Giangola, Owner, relative to 81 Old Broadway West, (Map 66, Lot 16), Appeal of a Cease & Desist Order of the Zoning Enforcement Officer. IL-30 Zoning District.

This application was postponed to the August 21, 2008 meeting.

Mrs. Ranciato-Viele read the call for the next agenda item.

5. #08-42 Application of ProFlow, Inc., Applicant, David E. Hungerford, II, Owner, relative to 301 & 303 State Street, (Map 43, Lot 42), per Section 8.3.3.1, requesting approval to enlarge an existing non-conforming building. IL-30 Zoning District.

Mr. K. Uihlein presented the application.

Mrs. Genovese asked some questions regarding the type of business that ProFlow, Inc. does.

Mr. Hannon asked for public comment.

Public comment:

- 1) Enrico Gattilia – 19 School Lane, inquired about parking issues.
- 2) Annette Gattilia – 19 School Lane, concerned about traffic on State Street.

Being no further public comment; the matter was closed.

Mrs. Ranciato-Viele read the call for next agenda item.

6. #08-43 Application of Fasano, Ippolito & Lee, LLC, Applicant, Vincent & Carole Cangiano, Owners, relative to 85 Middletown Avenue, (Map 7, Lot 29), per Section 8.8.7.2(3), requesting a sign area variance of 63.76 square feet to permit a 103.76 square foot sign where 40 square feet is permitted and a sign front setback variance of 19' to permit 6' where 25' is required.
CB-20/R-20/R-40 Zoning Districts.

Mr. Tim Lee, attorney, presented, M. Luke DeStefano, Bohler Engineering, and Mr. Mike Lombardi, Center Plan Dev. Co., presented the application.

Mr. Hannon asked the applicants if they had an alternative plan. Mr. Hannon asked for a break for the applicants to discuss alternatives.

Mr. Cappucci made a motion to take a break. Mrs. Genovese seconded the motion. All were in favor.

BREAK: 8:25 – 8:30 PM

Applicant offered an alternative plan for a sign of 90 square feet. instead of the original proposed sign of 103.76 square feet.

Being no public comment; the matter was closed.

DELIBERATION SESSION:

2. #08-39 Application of Edible Arrangements International, Inc., Applicant, SKF North Haven LLC, Owner, relative to 101 Washington Avenue.

Ms. Genovese moved to approve the application; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – aye Ranciato – Viele – aye Genovese – aye Cappucci - aye

In approving the application, the Board stated the following:

1. The request is reasonable and in conformance with the area.
2. The Board appreciates the applicant's willingness to explore an alternate plan.

5. #08-42 Application of ProFlow, Inc., Applicant, David E. Hungerford, II, Owner, relative to 301 & 303 State Street.

Ms. Ranciato-Viele moved to approve the application; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – aye Ranciato – Viele – aye Genovese – aye

In approving the application, the Board stated the following:

1. Restrict the approval to this proposed addition only.
2. The request is reasonable and in conformance with the area.

6. #08-43 Application of Fasano, Ippolito & Lee, LLC, Applicant, Vincent & Carole Cangiano, Owners, relative to 85 Middletown Avenue.

Ms. Genovese moved to approve the application; Mr. Cappucci seconded the motion.

The Board voted as follows:

Hannon – aye Ranciato – Viele – aye Genovese – aye Cappucci - aye

In approving the application, the Board stated the following:

1. The variance is to permit a 90 square foot sign.
2. The request is reasonable and in conformance with the area due to the topography of the land. Also the applicant was willing to work with the board to reduce the size of the sign.

CEASE AND DESIST ORDERS:

Mr. Hannon explained the following Cease & Desist Orders will be discussed at the 8/21 meeting at which time the Zoning Enforcement Officer will be present.

323 Washington Avenue, Sprint

– displaying a non-permitted sign

493 Washington Avenue, Xtreme Kitchen

- displaying a non-permitted sign

10 North Hill Road

-failing to maintain soil and erosion control

CORRESPONDENCE: None

MINUTES:

June 19, 2008

The minutes will be voted on next month because we only have four members present.

OTHER: None

ADJOURN: 8:35

There being no further business, Mrs. Ranciato-Viele moved to adjourn; Mr. Cappucci seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:35PM.